

JOURNAL OF THE SENATE

Monday, April 18, 1949

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The Senate convened at 3:00 o'clock P. M., pursuant to adjournment on Thursday, April 14, 1949.

The President in the Chair.

The roll was called and the following Senators answered to their names:

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

—37.

A quorum present.

Senator Leaird was excused from attendance upon the Session today.

Prayer was offered by the Senate Chaplain, Reverend W. F. Dunkle.

The reading of the Journal was dispensed with.

The Senate daily Journal of Wednesday, April 13, 1949, was further corrected as follows:

Page 2, column 1, between lines 14 and 15, insert the following:

"INTRODUCTION OF BILLS AND JOINT RESOLUTIONS"

Also—

Page 2, column 1, line 8, counting from the bottom of the column, between the word "time" and the word "only" insert the words "by title".

Also—

Page 2, column 1, line 15, counting from the bottom of the column, between the word "time" and the word "only" insert the words "by title".

Also—

Page 2, column 2, line 7, strike out the word "violating" and insert in lieu thereof the word "violation".

Also—

Page 2, column 2, line 23, strike out the word "Sections" and insert in lieu thereof the word "Section".

Also—

Page 3, column 2, line 23, between the word "said" and the word "and" insert the word "home".

Also—

Page 3, column 2, line 24, strike out the word "contiguous" and insert in lieu thereof the word "contiguous".

Also—

Page 4, column 2, line 16, counting from the bottom of the column, strike out the word "amend" and insert in lieu thereof the word "amending".

Also—

Page 5, column 1, line 41, strike out the word "vehicles" and insert in lieu thereof the word "vehicle".

Also—

Page 5, column 1, line 46, strike out the word "shall".

Also—

Page 5, column 2, line 23, strike out the word "to" and insert in lieu thereof the word "of".

Also—

Page 5, column 2, line 25, between the word "time" and the word "only" insert the words "by title".

And as further corrected was approved.

The Senate daily Journal of Thursday, April 14, 1949, was corrected as follows:

Page 6, column 2, strike out lines 10, 11 and 12, counting from the bottom of the column, and insert in lieu thereof the following:

"So Senate Bill No. 35 passed, as amended, and was referred to the Secretary of the Senate as Ex Officio Engrossing Clerk, for engrossing."

And as corrected was approved.

REPORTS OF COMMITTEES

Senator Crary, Chairman of the Committee on County Organizations, reported that the Committee had carefully considered the following Bill:

S. B. No. 30—A bill to be entitled An Act to amend Section 193.45, Florida Statutes, 1941, relating to the mailing of notices of taxes, by providing for notices of unpaid taxes for the preceding year, or years.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Shivers, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following Bill:

S. B. No. 61—A bill to be entitled An Act to authorize and empower Florida State Improvement Commission to acquire, own, maintain, and operate ferries and toll ferries wherever the same are connected with or form a part or are auxiliary to the State system of public roads.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Shivers, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following Bill:

S. B. No. 106—A bill to be entitled An Act amending Section 347.08, Florida Statutes, the same being Section 1 of Chapter 24,197, Laws of Florida 1947, by more definitely defining the toll bridges and causeways the tolls of which may be fixed by the Florida Railroad & Public Utilities Commission.

—and recommends that it do pass.

And the Bill contained in the preceding report was placed on the Calendar of Bills on Second Reading.

Senator Shivers, Chairman of the Committee on Public Roads and Highways, reported that the Committee had carefully considered the following Bill:

S. B. No. 27—A bill to be entitled An Act designating and establishing a certain road in Bay County

—and recommends that it do pass with committee amendment as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

Senator Rodgers, Chairman of the Committee on Cities and Towns, reported that the Committee had carefully considered the following Bill:

S. B. No. 28—An Act to amend Section 165.01, Florida Statutes, 1941, as amended by Chapter 23656, Laws of Florida, Acts of 1947, relating to number of inhabitants necessary to incorporate a municipal government.

—and recommends that it do pass with committee amendment as attached thereto.

And the Bill contained in the preceding report, together with the Committee amendment attached thereto, was placed on the Calendar of Bills on Second Reading.

ENROLLING REPORT

Your Enrolling Clerk, to whom was referred—

H. B. No. 5.

H. C. R. No. 287.

—begs leave to report same have been signed in open session by the President and Secretary of the Senate and the Speaker and Chief Clerk of the House of Representatives, and this day presented to the Governor for his approval.

Very respectfully,
ROBT. W. DAVIS,
Enrolling Clerk Ex Officio as
Secretary of the Senate.

Senator Sheldon moved that the Senate reconsider the vote by which Senate Bill No. 35 passed the Senate on April 14, 1949.

And the motion went over under the rule.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

By Senator Walker—

S. B. No. 166—A bill to be entitled An Act relating to education; amending Sections 1, 2, 3, and 4 of Chapter 23864, Laws of Florida, Acts of 1947, being Sections 238.01, 238.05, 238.06, and 238.07, Florida Statutes, 1941, as amended, concerning definitions, membership, membership application and creditable service, and regular benefits of the Teachers' Retirement System of the State of Florida.

Which was read the first time by title only and referred to the Committee on Education and the Committee on Appropriations.

By Senators Beacham, Beall, Leaird, Gautier and Sturgis—

S. B. No. 167—A bill to be entitled An Act fixing the salaries of the Justices of the Supreme Court.

Which was read the first time by title only and referred to the Committee on Appropriations.

By Senators Shands, Brackin, Wright, Sturgis, Wilson, Gautier, Baynard, King, Rodgers, Johnston, Smith, Johns, Beacham, Boyle and Tucker—

S. B. No. 168—A bill to be entitled An Act to amend Sections 952.01 and 952.02, Florida Statutes, 1941, relating to inspectors of convicts and duties and compensation of convict inspectors respectively; providing for a woman inspector of convicts; and allowing the Board of Commissioners of State Institutions to determine the compensation of convict inspectors.

Which was read the first time by title only and referred to the Committee on Prisons and Convicts.

By Senator Shivers—

Senate Joint Resolution No. 169:

A JOINT RESOLUTION PROPOSING AN AMENDMENT

TO ARTICLE XVI OF THE CONSTITUTION OF THE STATE OF FLORIDA BY ADDING THERETO AN ADDITIONAL SECTION PROVIDING THAT ON AND AFTER OCTOBER 1, 1951, NO OWNER SHALL PERMIT LIVESTOCK TO RUN AT LARGE OR STRAY UPON THE PUBLIC HIGHWAYS OF THE STATE OR UPON THE LANDS OF ANOTHER PERSON.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the following amendment to Article XVI of the Constitution of the State of Florida by adding thereto an additional section providing that no owner shall permit livestock to run at large or stray upon the public highways of this state or upon the lands of another person, is hereby agreed to, and shall be submitted to the electors of the state for ratification or rejection at the next general election to be held in 1950, as follows:

Section 33. No owner of livestock in the state of Florida shall permit such livestock to run at large or stray upon the public highways of this state or upon the lands of another person on and after October 1, 1951, but such owner shall keep said livestock confined within an enclosure which is suitably and sufficiently fenced for the holding and keeping of the same. The Legislature of this state is directed to enact such legislation as may be appropriate and necessary to adequately carry out the provisions of this section.

Senator Shivers moved that the rules be waived and Senate Joint Resolution No. 169 be placed on the Calendar of Bills on Second Reading, without reference.

Upon which a roll call was demanded.

Upon the adoption of the motion made by Senator Shivers the roll was called and the vote was:

Yeas—13

Ayers	Johns	Shands	Wright
Baker	Lindler	Shivers	
Carroll	Moore	Smith	
Davis	Sanchez	Tucker	

Nays—23

Mr. President	Collins	King	Rodgers
Alford	Crary	Mathews	Sheldon
Baynard	Franklin	McArthur	Sturgis
Beacham	Gautier	Pearce	Walker
Boyle	Getzen	Pope	Wilson
Clarke	Johnston	Ray	

So the motion failed of adoption, and Senate Joint Resolution No. 169 was referred to the Committee on Constitutional Amendments.

By Senator Wilson—

S. B. No. 170—A bill to be entitled An Act prescribing the duties of the Board of Commissioners of State Institutions of Florida relating to the providing of suitable space in some state building in the City of Tallahassee, Florida, for the functioning of the Florida Historical Society.

Which was read the first time by title only and referred to the Committee on State Institutions.

By Senator Ayers—

S. B. No. 171—A bill to be entitled An Act for the relief of Chris Anderson and making an appropriation to compensate him for damage caused by escaped convicts.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Tucker—

S. B. No. 172—A bill to be entitled An Act to designate and establish a certain state road in Wakulla County, Florida, and providing that said designated road be given an appropriate state number.

Which was read the first time by title only and referred to the Committee on Public Roads and Highways.

By Senator Tucker—

S. B. No. 173—A bill to be entitled An Act to amend Sec-

on 811.19, Florida Statutes of 1941, relating to larceny of and injury to dogs, and fixing penalties therefor.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Boyle—

S. B. No. 174—A bill to be entitled An Act relating to Florida Highway Patrol radio stations. Providing for the use of such stations by the sheriffs of the State of Florida, and providing minimum salaries to be paid radio operators and providing the effective date thereof.

Which was read the first time by title only and referred to the Committee on Motor Vehicles.

By Senator Mathews—

S. B. No. 175—A bill to be entitled An Act for the amendment of Sections 381.63 and 381.65 of the Florida Statutes, 1941, and the 1945 Cumulative Supplement to Volume I relating to the conduct by the Florida State Board of Health of research and education of the public relating to the causes, prevalence and prevention of diabetes, and the purchase and distribution of insulin for treatment of indigent persons suffering from diabetes.

Which was read the first time by title only and referred to the Committee on Public Health and the Committee on Appropriations.

By Senator Mathews—

S. B. No. 176—A bill to be entitled An Act to amend Section 5 of Chapter 14723, Laws of Florida, Acts of 1931, which is An Act to amend and re-enact Chapter 12026, Laws of Florida, Acts of 1927, said section relating to the auditing of the books of the Commissioners of Florida Inland Navigation District and the secretary thereof by the State Comptroller; to amend said section to provide that audit shall be made by the State Auditor instead of State Comptroller.

Which was read the first time by title only.

Senator Mathews moved that the rules be waived and Senate Bill No. 176 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 176 was read the second time by title only.

Senator Mathews moved that the rules be further waived and Senate Bill No. 176 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 176 was read the third time in full.

Upon the passage of Senate Bill No. 176 the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—None

So Senate Bill No. 176 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Rodgers—

S. B. No. 177—A bill to be entitled An Act relating to Florida Council for the Blind; amending Section 409.272, Florida Statutes, 1941; providing for the operation of automatic vending machines for the benefit of needy blind persons on public property when permitted by officials in charge of such property.

Which was read the first time by title only and referred to the Committee on Welfare.

By Senators Baynard, Boyle, Carroll, Davis and King—

Senate Concurrent Resolution No. 178:

A RESOLUTION RELATING TO THE LOBBYING OF CERTAIN CITY, COUNTY AND STATE OFFICIALS OF THE STATE OF FLORIDA FOR THE PASSAGE OF BILLS TO INCREASE THEIR SALARIES.

WHEREAS, it has come to the notice of the Senate of the State of Florida that a large number of elected city, county and state officials of this State are in the Capitol lobbying for the passage of bills to increase their salaries, notwithstanding the grave financial crisis which His Excellency, the Governor of the State of Florida, says is confronting the State and which His Excellency, the Governor of the State of Florida, says makes it necessary for the Legislature of Florida to raise millions of dollars in new revenue for the operation of the State Government for the next two years:

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF FLORIDA, WITH THE HOUSE OF REPRESENTATIVES CONCURRING:

(1) That all such elected city, county and state officials be and they are hereby reminded that they sought and obtained election to the offices which they now hold and occupy, well knowing both the duties and the salary of the office they sought, and it ill becomes any of them to abandon their posts of duty in order to come to the Capitol to seek by their personal presence to influence the adoption of legislation to increase their salaries at a time when every member of this Legislature, as well as every city, county and state official, should be seeking ways and means to meet the financial requirements now facing our State, as well as the cities and counties from which they come, and should be assisting the members of the Legislature to economize and to reduce the ever increasing tax burden upon all our citizens.

(2) That all such officials be and they are hereby urged to remain at home and to attend to the duties of their office or to resign from the office they hold and permit the Governor to appoint, or the people to elect, as their successors citizens willing and able to serve for the salaries now paid, and to forthwith withdraw from the consideration of the Legislature any and all requests sponsored by them for the adoption of legislation to increase their salaries and to cease their lobbying for such legislation, and those officials that are presently in the Capitol to return to their posts of duty and devote their time and efforts to the diligent and faithful discharge of the duties of their office to the end that the functions of government may be efficiently and economically discharged and, at the same time, the financial demands upon the already overburdened taxpayer may be lightened rather than increased.

(3) That the members of the Legislature be allowed, without influence from said officials, to determine what increase or decrease should be made in salaries now paid to elected officials without interference from said officials.

(4) That this resolution is not intended to apply to or to reflect upon those officials who have remained at their posts and attended to the duties of their office.

(5) That copies of this resolution be transmitted to the House of Representatives for its concurrence and that copies be forthwith delivered to representatives of the press for publication.

Which was read the first time in full.

Senator Baynard moved that the rules be waived and Senate Concurrent Resolution No. 178 be read the second time in full.

Which was agreed to by a two-thirds vote.

And Senate Concurrent Resolution No. 178 was read the second time in full.

The question was put on the adoption of the Concurrent Resolution.

Which was agreed to.

And Senate Concurrent Resolution No. 178 was adopted and ordered certified to the House of Representatives.

By Senators Pope, Pearce and Walker—

S. B. No. 179—A bill to be entitled An Act providing for supplementary salaries for each of the Circuit Judges of each judicial circuit of the State of Florida embracing four counties and in which said circuit there is no constitutionally established court of record; and providing that a part of the salary of each judge be paid from the general revenue fund of such counties of said circuit in the proportion that the population of each county bears to the total population of said circuit, as determined by the last preceding State or Federal census, whichever shall be the later; making the same a county purpose; making an annual appropriation therefore; providing the effective date hereof and repealing all laws in conflict herewith.

Which was read the first time by title only.

Senator Pope moved that the rules be waived and Senate Bill No. 179 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 179 was read the second time by title only.

Senator Pope moved that the rules be further waived and Senate Bill No. 179 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 179 was read the third time in full.

Upon the passage of Senate Bill No. 179 the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—None

So Senate Bill No. 179 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senators Shands, Gautier and Baker—

S. B. No. 180—A bill to be entitled An Act defining and regulating the practice of medical technology: licensing medical technologists and medical technologist directors and providing for the qualification and examination of applicants for such licenses: providing that practitioners of the healing arts and others shall be exempt from all provisions of this Act: creating a Board of Medical Technology and providing for the appointment of its members, prescribing its organization, and defining its powers and duties: providing for advisors to said board representing the State Board of Medical Examiners, the Board of Examiners in the basic sciences and the State Board of Health and the Florida Society of Pathologists, and prescribing their powers and duties: providing fees to be charged persons coming within the terms of the Act and the disposition thereof; providing for the enforcement of the Act by the State Board of Health, by proceedings for the revocation or suspension of licenses issued hereunder, by injunction proceedings and by criminal prosecution.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senator Franklin—

S. B. No. 181—A bill to be entitled An Act authorizing the State Board of Education, the Trustees of the Internal Improvement Fund, the Board of Commissioners of State Institutions and any agency or department of the State of Florida owning or holding title to any interest in or arising out of real property, including oil, gas and mineral rights, lying outside of the boundaries of the State of Florida, to sell, lease, rent or otherwise dispose of said land or interest therein; ratifying and confirming any and all sales or leases,

including oil, gas and mineral leases heretofore made; and providing when this Act shall take effect.

Which was read the first time by title only and referred to the Committee on Oil and Natural Resources.

By Senator Franklin—

S. B. No. 182—A bill to be entitled An Act amending Sections 55 and 58 of Chapter 22295, Laws of Florida, 1943, being the charter of the City of Fort Myers, Lee County, Florida, said amendments being to Section 55 (a), (b), (c), relating to the granting of a franchise to operate a public utility within the City of Fort Myers and the terms of such franchise, and to Section 58, relating to requirements that certain operators of a public utility within the City of Fort Myers keep books and records and make reports to the City Council of said city, and providing for the effective date of said Act.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 182 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Franklin moved that the rules be waived and Senate Bill No. 182 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 182 was read the second time by title only.

Senator Franklin moved that the rules be further waived and Senate Bill No. 182 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 182 was read the third time in full.

Upon the passage of Senate Bill No. 182 the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—None

So Senate Bill No. 182 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Alford—

S. B. No. 183—A bill to be entitled An Act to amend Chapter 576, Florida Statutes, 1941, relating to the manufacture and sale of commercial fertilizer and repealing certain provisions of law.

Which was read the first time by title only and referred to the Committee on Agriculture and Livestock.

By Senators Lindler, McArthur, Tucker, Pearce, Sturgis, Shands and Beall—

S. B. No. 184—A bill to be entitled An Act relating to State parks monuments, memorials and sites of historic interest and value; providing for the care, maintenance, improvement and beautification thereof; providing for the disbursement of money appropriated for such purpose.

Which was read the first time by title only and referred to the Committee on Forestry and Parks.

By Senator Collins—

S. B. No. 185—A bill to be entitled An Act to provide for the recovery of damages by persons bitten by dogs and creating a liability of the owners of such dogs.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senators Johnston and Rodgers—

S. B. No. 186—A bill to be entitled An Act amending Sections 2, 6, 8, 9, 10, 11, and 13, of Chapter 24364, Laws of Florida, 1947, An Act providing for the licensing and regulation of all persons engaged in professional work or service for the prevention, control, or eradication of insects, vermin, rodents, and other pests in household structures, commercial buildings, other structures or products therein, and commercial fumigation: Providing for the formulation of rules and regulations by the State Board of Health for the regulation and licensing of such business: Providing for the appointment of a structural pest control board: Providing for the certification of structural pest control operators: Providing for exception of certain types of pest control: Providing a penalty for any violation of the provisions of the Act or the rules and regulations appertaining thereto, known by the title of "Structural Pest Control Act of 1947," by providing for the issuance of limited certificates by the Structural Pest Control Board to individuals desiring to engage in limited types of structural pest controls; permitting the State Board of Health to approve the use of certain substance or substances used in structural pest control and exempting their users from certain provisions of the Act; permitting the issuance of limited certificates to structural pest control operators using fogging machines; defining limited pest control operators, limited certificate, fogging machine, and fogging; repealing conflicting laws.

Which was read the first time by title only and referred to the Committee on Public Health.

By Senators Smith, Tucker and Gautier—

S. B. No. 187—A bill to be entitled An Act to amend Section 860.01, Florida Statutes, 1941, relating to the offense of driving an automobile while intoxicated, by providing that when such offense results in damage to the property or person of another, such offense shall be deemed a felony, and providing for the punishment therefor.

Which was read the first time by title only and referred to the Committee on Judiciary "B".

By Senator Beall—

S. B. No. 188—A bill to be entitled An Act relating to the City of Pensacola, Florida, providing that certain provisions of Chapter 16989, Laws of Florida of 1935, entitled: "An Act providing an optional method for the calling and conduct of Primary Elections in certain municipalities, and fixing the qualifications of electors thereat and in General Elections following," which provides for the preparation, arrangement, voting and counting of ballots in accordance with the provisions of the so called Bryan Primary Law, shall not apply to the City of Pensacola, Florida, and amending Section 7 of Chapter 16989, Laws of Florida of 1935, as it relates to the City of Pensacola, Florida.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 188 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Beall moved that the rules be waived and Senate Bill No. 188 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 188 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 188 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 188 was read the third time in full.

Upon the passage of Senate Bill No. 188 the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—None

So Senate Bill No. 188 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Ayers—

S. B. No. 189—A bill to be entitled An Act for the relief of Ernest Roberson and making an appropriation to compensate him for damage caused by escaped convicts.

Which was read the first time by title only and referred to the Committee on Pensions and Claims.

By Senator Sheldon—

S. B. No. 190—A bill to be entitled An Act relating to the fees and compensation of the Justices of the Peace for services performed in criminal actions or proceedings in all counties of the State of Florida having a population of not less than 165,000 and not more than 265,000, according to the last State Census.

Which was read the first time by title only.

Senator Sheldon moved that the rules be waived and Senate Bill No. 190 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 190 was read the second time by title only.

Senator Sheldon moved that the rules be further waived and Senate Bill No. 190 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 190 was read the third time in full.

Upon the passage of Senate Bill No. 190 the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—None

So Senate Bill No. 190 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Sanchez—

S. B. No. 191—A bill to be entitled An Act amending Section 849.06, Florida Statutes of 1941.

Which was read the first time by title only and referred to the Committee on Judiciary "C".

By Senator Beall—

S. B. No. 192—A bill to be entitled An Act to provide payment to Dixie Chemical Products Co., Ltd., for materials and supplies furnished Escambia County, Florida, and which account is past due and which account has been investigated and found to be due and proper.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 192 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Beall moved that the rules be waived and Senate Bill No. 192 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 192 was read the second time by title only.

Senator Beall moved that the rules be further waived and Senate Bill No. 192 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 192 was read the third time in full.

Upon the passage of Senate Bill No. 192 the roll was called and the vote was:

Yeas—37

Mr. President	Collins	Mathews	Shivers
Alford	Crary	McArthur	Smith
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	
Clarke	Lindler	Sheldon	

Nays—None

So Senate Bill No. 192 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By Senator Shands—

S. B. No. 193—A bill to be entitled An Act affecting the government of the City of High Springs, Florida, by authorizing and empowering the City of High Springs, a municipality of the State of Florida, to create a City Planning and Zoning Board; providing for the appointment of members of said board, defining the power and authority of said board, and the terms of office of the members thereof; and providing for the procedure for the functioning of said City Planning and Zoning Board.

Which was read the first time by title only.

Proof of publication of Notice was attached to Senate Bill No. 193 when it was introduced in the Senate, and evidence that such Notice has been published was established by the Senate, as required by Section 21, Article III of the Constitution of the State of Florida.

Senator Shands moved that the rules be waived and Senate Bill No. 193 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 193 was read the second time by title only.

Senator Shands moved that the rules be further waived and Senate Bill No. 193 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 193 was read the third time in full.

Upon the passage of Senate Bill No. 193 the roll was called and the vote was:

Yeas—37

Mr. President	Beacham	Collins	Getzen
Alford	Beall	Crary	Johns
Ayers	Boyle	Davis	Johnston
Baker	Carroll	Franklin	King
Baynard	Clarke	Gautier	Lindler

Mathews	Ray
McArthur	Rodgers
Moore	Sanchez
Pearce	Shands
Pope	Sheldon

Shivers	Wilson
Smith	Wright
Sturgis	
Tucker	
Walker	

Nays—None

So Senate Bill No. 193 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 18, 1949

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Senator Mathews—

S. B. No. 94—A bill to be entitled An Act designating certain roads or parts of roads or streets in Duval County as state roads, together with bridges in connection therewith, and authorizing Florida State Improvement Commission to fix and regulate tolls and uses of bridges constructed thereon and providing that such authority may be assignable to the State Road Department.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And Senate Bill No. 94, contained in the above message, was referred to the Secretary of the Senate as Ex-Officio Enrolling Clerk, for enrolling.

The following message from the House of Representatives was read:

Tallahassee, Florida,
April 18, 1949

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Mr. Beasley of Walton—

H. B. No. 96—A bill to be entitled An Act amending Section 409.30, Florida Statutes of 1941, the same being Section 1, Chapter 21954, Laws of Florida, Acts of 1943, relating to the payment of accrued public assistance on death of person entitled thereto and repealing all laws in conflict herewith.

Also—

By Mr. Beasley of Walton—

H. B. No. 111—A bill to be entitled An Act amending Section 409.17, Florida Statutes, 1941, as amended by Section 1, Chapter 20714, Laws of Florida, Acts of 1941, Section 1, Chapter 21879, Laws of Florida, Acts of 1943, and Section 1, Chapter 23895, Laws of Florida, Acts of 1947. Relating to aid to the blind.

Also—

By Mr. Carraway of Leon—

H. B. No. 117—A bill to be entitled An Act amending Section 589.05, Florida Statutes, 1941, relating to the employment of the State Forester.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Bills Nos. 96 and 111, contained in the above

message, were read the first time by titles only and referred to the Committee on Welfare.

And House Bill No. 117, contained in the above message, was read the first time by title only and referred to the Committee on Appropriations.

The following message from the House of Representatives was read:

Tallahassee, Florida
April 18, 1949

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed—

By Messrs. Carlton of Duval and Okell and Lantaff of Dade—

H. B. No. 140—A bill to be entitled An Act to amend Section 47.29, Florida Statutes, 1941, relating to service of process in certain civil actions arising out of the operation of motor vehicles.

Also—

By Messrs. Black and Whitlock of Alachua—

H. B. No. 157—A bill to be entitled An Act relating to Farm Colony for Feeble-minded; adding Section 393.051, Florida Statutes, 1941; providing for furloughing of inmates.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Bill No. 140, contained in the above message, was read the first time by title only.

Senator Crary moved that the rules be waived and House Bill No. 140 be placed on the Calendar of Bills on Second Reading, without reference.

Which was agreed to by a two-thirds vote and it was so ordered.

And House Bill No. 157, contained in the above message, was read the first time by title only and referred to the Committee on State Institutions.

The following Message from the House of Representatives was read:

Tallahassee, Florida,
April 18, 1949.

Hon. Newman C. Brackin,
President of the Senate.
Sir:

I am directed by the House of Representatives to inform the Senate that the House of Representatives has passed as amended by the required Constitutional three-fifths vote of all members elected to the House of Representatives for the 1949 Session of the Florida Legislature:

By Mr. Shepperd of St. Johns—

House Joint Resolution No. 31:

A JOINT RESOLUTION PROPOSING AN AMENDMENT OF SECTION 2, ARTICLE III, CONSTITUTION OF THE STATE OF FLORIDA, RELATED TO REGULAR AND EXTRA SESSIONS OF THE LEGISLATURE, BY ADDING TO SAID SECTION A PROVISION FOR THE CONVENING OF THE LEGISLATURE INTO EXTRA SESSION BY THE MEMBERS THEREOF.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF FLORIDA:

That the amendment of Section 2 of Article III, Florida Constitution, by adding thereto a provision for convening of the Legislature into extra session by the members thereof, is hereby agreed to and shall be submitted to the electors of the State of Florida for ratification or rejection at the general election for representatives to be held in the year 1950, as follows:

Section 2. Regular and extra sessions.—The regular sessions of the Legislature shall be held biennially, commencing on the first Tuesday after the first Monday in April, A. D. 1887, and on the corresponding day of every second year thereafter, but the Governor may convene the same in extra session by his proclamation. Regular sessions of the Legislature may extend to sixty days, but no special session convened by the Governor shall exceed twenty days. Provided, that the Legislature may also be convened in extra session by the members thereof in the manner set forth in the succeeding provisions of this section. When three-fifths of the members elected to the Senate and three-fifths of the members elected to the House of Representatives shall execute and file with the Secretary of State their certificate or certificates that in their opinion such an emergency exists in the affairs of the State of Florida as to warrant the convening of the Legislature into extra session, it shall be the mandatory duty of the Secretary of State, within five days from the filing of any such certificate or certificates with him, to fix the day and hour for the convening of such extra session, and within said period of five days to give notice by registered mail to each member elected to the House of Representatives and to each member elected to the Senate of the filing of such certificate or certificates with him and of the day and hour for the convening of such session. The time for the convening of said session to be fixed by the Secretary of State shall be not less than five days and not more than ten days from the date of the mailing of said notices and his order fixing such time shall be preserved among the records of his office. In pursuance of such certificate or certificates and said notice, the Legislature shall convene in extra session for all purposes as if convened in regular session, provided that any such extra session convened by the members shall be limited to a period of thirty (30) days.

—and respectfully requests the concurrence of the Senate therein.

Respectfully,
LAMAR BLEDSOE,
Chief Clerk House of Representatives.

And House Joint Resolution No. 31, contained in the above Message, was read the first time in full and referred to the Committee on Constitutional Amendments.

SENATE BILLS ON SECOND READING

Senate Bill No. 40 was taken up in its order and the consideration thereof was informally passed.

Senator Crary asked unanimous consent of the Senate to take up and consider House Bill No. 140, out of its order, at this time.

Which was agreed to.

H. B. No. 140—A bill to be entitled An Act to amend Section 47.29, Florida Statutes, 1941, relating to service of process in certain civil actions arising out of the operation of motor vehicles.

Was taken up.

Senator Crary moved that the rules be waived and House Bill No. 140 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 140 was read the second time by title only.

Senator Crary moved that the rules be further waived and House Bill No. 140 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 140 was read the third time in full.

Upon the passage of House Bill No. 140 the roll was called and the vote was:

Yeas—36

Mr. President	Beall	Davis	King
Alford	Boyle	Franklin	Lindler
Ayers	Carroll	Gautier	Mathews
Baker	Clarke	Getzen	Moore
Baynard	Collins	Johns	Pearce
Beacham	Crary	Johnston	Pope

Ray	Shands	Smith	Walker
Rodgers	Sheldon	Sturgis	Wilson
Sanchez	Shivers	Tucker	Wright

Nays—None

So House Bill No. 140 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Crary withdrew Senate Bill No. 41.

Senator Beall asked unanimous consent of the Senate to take up and consider House Bill No. 164, out of its order, at this time.

Which was agreed to.

H. B. No. 164—A bill to be entitled An Act relating to the service of witness subpoenas in civil actions.

Was taken up.

Senator Beall moved that the rules be waived and House Bill No. 164 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And House Bill No. 164 was read the second time by title only.

Senator Sturgis offered the following amendment to House Bill No. 164:

In Section 1, line 7, (typewritten bill) strike out the words: "Every witness shall be required to appear at the time and place specified in any witness subpoena without payment or tender to him of witness fees or mileage but he may demand payment thereof upon appearance and in default of such payment shall be discharged from attendance thereunder."

Senator Sturgis moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Beall moved that the rules be further waived and House Bill No. 164, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And House Bill No. 164, as amended, was read the third time in full.

Upon the passage of House Bill No. 164, as amended, the roll was called and the vote was:

Yeas—22

Mr. President	Collins	Moore	Sheldon
Alford	Crary	Pearce	Smith
Baynard	Franklin	Pope	Sturgis
Beacham	Gautier	Ray	Walker
Beall	Johnston	Rodgers	
Clarke	Mathews	Shands	

Nays—13

Baker	Getzen	Sanchez	Wright
Boyle	Johns	Shivers	
Carroll	King	Tucker	
Davis	Lindler	Wilson	

So House Bill No. 164 passed, as amended, and the action of the Senate was ordered certified to the House of Representatives.

By unanimous consent Senator Beall withdrew Senate Bill No. 66.

S. B. No. 3—A bill to be entitled An Act requiring all persons, on the payroll of the State of Florida, its departments, agencies and subdivisions, counties and city governments, the state school system, school districts, school boards, or connected with the free public schools or the state institutions of higher learning, to take a prescribed oath of loyalty, as hereinafter defined; prescribing penalties and for the dismissal of those failing or refusing to take such oath, and the making of a false oath the crime of perjury, and other matters in connection therewith.

Was taken up in its order.

Senator Mathews moved that the rules be waived and Senate Bill No. 3 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 3 was read the second time by title only.

The following Committee Substitute for Senate Bill No. 3:

A bill to be entitled An Act requiring all persons on the payroll of the State of Florida, its departments, agencies and subdivisions, counties and city governments, the state school system, school districts, school boards, or connected with the free public schools or the state institutions of higher learning, to take a prescribed oath of loyalty as hereinafter defined, prescribing penalties and for the dismissal of those failing or refusing to take such oath, and the making of a false oath the crime of perjury and other matters in connection therewith.

Was taken up and read the first time by title only.

Senator Mathews moved that the rules be waived and the Committee Substitute for Senate Bill No. 3 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And the Committee Substitute for Senate Bill No. 3 was read the second time by title only.

Senator Mathews moved the adoption of the Committee Substitute for Senate Bill No. 3.

Which was agreed to and the Committee Substitute for Senate Bill No. 3 was adopted.

Senator Mathews moved that the rules be further waived and Committee Substitute for Senate Bill No. 3 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Committee Substitute for Senate Bill No. 3 was read the third time in full.

Upon the passage of Committee Substitute for Senate Bill No. 3, the roll was called and the vote was:

Yeas—34

Mr. President	Clarke	Lindler	Sheldon
Alford	Collins	Mathews	Shivers
Ayers	Davis	Moore	Sturgis
Baker	Franklin	Pearce	Tucker
Baynard	Gautier	Pope	Walker
Beacham	Getzen	Ray	Wilson
Beall	Johns	Rodgers	Wright
Boyle	Johnston	Sanchez	
Carroll	King	Shands	

Nays—None

So Committee Substitute for Senate Bill No. 3 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

Senate Bill No. 23 was taken up in its order and the consideration thereof was informally passed.

S. B. No. 53—A bill to be entitled An Act to amend Section 467.12, Florida Statutes, 1941, by providing for the payment of an annual registration fee by registered architects not to exceed twenty-five dollars per year; repealing all laws in conflict herewith; and providing when said Act shall take effect.

Was taken up in its order.

Senators Shands moved that the rules be waived and Senate Bill No. 53 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 53 was read the second time by title only.

Senator Shands moved that the rules be further waived and

Senate Bill No. 53 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 53 was read the third time in full.

Upon the passage of Senate Bill No. 53 the roll was called and the vote was:

Yeas—36

Mr. President	Clarke	King	Shands
Alford	Collins	Lindler	Sheldon
Ayers	Crary	Mathews	Shivers
Baker	Davis	Moore	Smith
Baynard	Franklin	Pearce	Sturgis
Beacham	Gautier	Pope	Tucker
Beall	Getzen	Ray	Walker
Boyle	Johns	Rodgers	Wilson
Carroll	Johnston	Sanchez	Wright

Nays—None

So Senate Bill No. 53 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 48—A bill to be entitled An Act prohibiting any person from wearing badges, emblems or insignia, or using the name of, or falsely claiming to be a member of any benevolent, fraternal, social, humane or charitable organization unless legally qualified so to do; and prescribing penalties for the violation of this Act.

Was taken up in its order.

Senator King moved that the rules be waived and Senate Bill No. 48 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 48 was read the second time by title only.

Senator King moved that the rules be further waived and Senate Bill No. 48 be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 48 was read the third time in full.

Upon the passage of Senate Bill No. 48 the roll was called and the vote was:

Yeas—34

Mr. President	Clarke	Mathews	Shivers
Alford	Collins	Moore	Smith
Ayers	Crary	Pearce	Sturgis
Baker	Davis	Pope	Tucker
Baynard	Franklin	Ray	Walker
Beacham	Johns	Rodgers	Wilson
Beall	Johnston	Sanchez	Wright
Boyle	King	Shands	
Carroll	Lindler	Sheldon	

Nays—None

So Senate Bill No. 48 passed, title as stated, and the action of the Senate was ordered certified to the House of Representatives.

S. B. No. 12—A bill to be entitled An Act prohibiting any conveyance, lease or mortgage of lands, or agreement to convey, lease or mortgage lands except by reference to government or State Survey or by map or plat theretofore approved and recorded according to law or by metes and bounds, and making void any such conveyances, mortgages, leases or agreements violating this statute.

Was taken up in its order.

Senator Alford moved that the rules be waived and Senate Bill No. 12 be read the second time by title only.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 12 was read the second time by title only.

Senator Alford offered the following amendment to Senate Bill No. 12:

In the typewritten bill, strike out Section 1 and insert in lieu thereof a new Section 1 to read as follows:

"Section 1. No lands shall be conveyed, leased for a term of more than twenty (20) years, or mortgaged nor shall any agreement be entered into providing for the conveying, leasing for a period of more than twenty (20) years, or mortgaging thereof, except by reference to government or state survey or to a plat approved and recorded according to law or by metes and bounds the initial point in which shall be tied to a section or forty-acre corner, lot or block corner, or other established or permanent point, the description being so complete that from it the starting point can be determined and the outlines run."

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Alford also offered the following amendment to Senate Bill No. 12:

In the typewritten bill, strike out Section 2 and insert in lieu thereof a new Section 2 to read as follows:

"Section 2. No instrument conveying, leasing for a term of twenty (20) years or more or mortgaging, nor providing for the conveying, leasing for a term of twenty (20) years or more or mortgaging lands which fail to meet the requirements of Section 1 of this Act shall be admissible to record or constitute notice to third parties."

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Alford also offered the following amendment to Senate Bill No. 12:

Strike out the title and insert in lieu thereof the following title:

"An Act prohibiting any conveyance, lease for more than twenty years or mortgage of lands, or agreement to convey, lease or mortgage lands as aforesaid except by reference to government or state survey or by map or plat theretofore approved and recorded according to law or by metes and bounds, and providing that any such conveyances, leases, mortgages or agreements violating this Act shall not be admissible to record or constitute notice to third parties."

Senator Baynard moved the adoption of the amendment.

Which was agreed to and the amendment was adopted.

Senator Baynard moved that the rules be further waived and Senate Bill No. 12, as amended, be read the third time in full and put upon its passage.

Which was agreed to by a two-thirds vote.

And Senate Bill No. 12, as amended, was read the third time in full.

Upon the passage of Senate Bill No. 12, as amended, the roll was called and the vote was:

Yeas—9

Alford	Franklin	Ray
Baynard	Gautier	Walker
Crary	Pope	Wright

Nays—28

Mr. President	Clarke	Lindler	Shands
Ayers	Collins	Mathews	Sheldon
Baker	Davis	McArthur	Shivers
Beacham	Getzen	Moore	Smith
Beall	Johns	Pearce	Sturgis
Boyle	Johnston	Rodgers	Tucker
Carroll	King	Sanchez	Wilson

So Senate Bill No. 12, as amended, failed to pass.

EXPLANATION OF VOTE

The following explanation of vote on Senate Bill No. 12, as amended, was filed with the Secretary:

When the legal minds of this Senate disagree on measures of legal import there cannot help but be confusion and doubt

in the minds of the lay members. It occurs to me that when in doubt on such matters the safest thing is for the layman to vote No, thereby leaving the present law or laws in effect.

J. EDWIN BAKER
23rd District

By permission the following report was received:

Your Engrossing Clerk to whom was referred, with amendments, for engrossing—

S. B. No. 35—An Act amending Section 40.01, Florida Statutes, 1941, relating to the general qualifications and disqualifications of jurors and the duty of persons selecting jury lists, by providing for female jurors as well as male jurors except in eminent domain proceedings.

—begs leave to report that the amendment has been incorpo-

rated in the Bill and the same is returned herewith, as engrossed.

Very respectfully,
ROBT. W. DAVIS,
Secretary of the Senate
as Ex Officio Engrossing Clerk.

And Senate Bill No. 35, contained in the above report was placed on the Calendar pending action by the Senate on the motion made by Senator Sheldon this date to reconsider the vote by which the same passed the Senate on April 14, 1949.

Senator McArthur moved that the Senate adjourn.

Which was agreed to.

And the Senate stood adjourned at 5:07 o'clock P. M., until 11:00 o'clock A. M., Tuesday, April 19, 1949.